



SIGN, SIGN, EVERYWHERE A SIGN

The lyrics of the song *Signs* (Five Man Electrical Band) continues with “Do This, Don’t Do That, Can’t You Read the Sign.” So, what does this have to do with chemigation?

As chemigation systems are set up for the fall soil fumigation season, fieldmen have asked, “What field posting is necessary, and what signage should be used when label-required language differs from that indicated in the Worker Protection Standard?”

The posting requirement for any pesticide, other than those designated for “Home and Garden,” is contained in the “Agricultural Use Requirements” (commonly known as the Worker Protection Standard, WPS) block on a pesticide label. All products registered for use in the production of an agricultural commodity must contain this label section. And, all agricultural pesticides require some form of employee notification, whether orally or by field posting, or both (dual notification), as is the case with the soil fumigants. However, are both the WPS and product postings required?

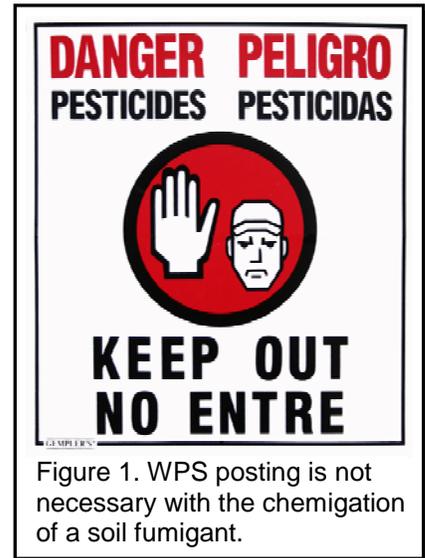


Figure 1. WPS posting is not necessary with the chemigation of a soil fumigant.



Figure 2. Soil fumigant label provisions require product posting in place of WPS posting.

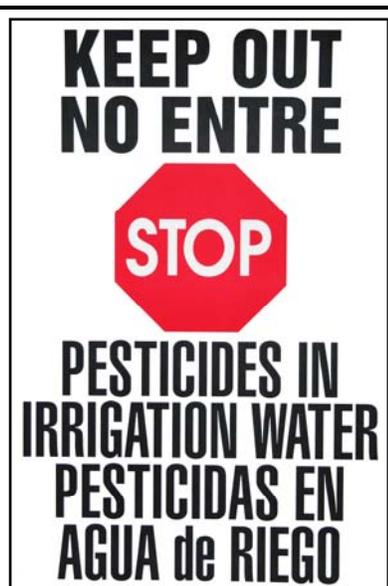


Figure 3. Chemigation posting is required for all water run soil fumigants. The Spanish text as it appears on this sign is optional.

With the soil fumigants, a sentence in the Entry Restrictions section of the Agricultural Use Requirements block reads: “Post the fumigant warning sign instead of the WPS sign [Figure 1] for this application, but follow all WPS requirements pertaining to location, legibility, size, and timing and removal of posting.” The posting requirement is derived from [Title 40 CFR Part 170.120: Notice of Applications](#), which specifies the legibility, size, and color of wording and symbols for WPS signage. Consequently, product signage will substitute for the WPS signage. (The complete Worker Protection Standard can be viewed at this [URL address](#).)

However, in the event that the label language for product signage is inconsistent with the WPS language, as is the case with K-PAM®, is it necessary to post both signs for an application?

When label language for field posting differs from 40 CFR Part 170.120, the applicator must defer to language on the pesticide label. Although inconsistent with 40 CFR Part 170.120 and with [WAC 16-233-125: Worker Protection Standards](#), USEPA and WSDA are aware of this incongruence.

Not all pesticides authorized for chemigation require product-specific posting; however, all water run soil fumigants (Figure 2) as well as all Category 1 (Signal Words: Danger-Poison or Danger) pesticides authorized for chemigation require the chemigation posting: "Pesticides in Irrigation Water" (Figure 3). This posting requirement originates from [Pesticide Regulation Notice 87-1: Label Improvement Program for Pesticides Applied Through Irrigation Systems](#).

In summary, a chemigation application, depending upon the product and the notification requirement for workers, may require two types of signs or only one type or, possibly, no signage at all. Please be aware of what is required by the pesticide label.

ALTHOUGH A "FORM" OF FLATTERY, IMITATION CAN BE A SOURCE OF TROUBLE

In conjunction with an agricultural use inspection, it is standard procedure to request a copy of the pesticide application record. Oftentimes, application information is recorded onto company forms. It is common wherein a company's letterhead is placed onto one of the versions of the WSDA Pesticide Application Record forms, which may have been slightly modified. Although containing all the information as required in [WAC 16-228-1320\(1\)](#), WSDA did not authorize the forms. Consequently, these companies are in technical violation of state rule.

[WAC 16-228-1320\(6\)](#) reads, as follows:

The department may allow by written permit the information required in subsection (1) of this section to be kept in a different form and format than that described in figures 1-8: Provided that the following criteria are met:

- (a) The pesticide application recordkeeping system is computerized;
- (b) The pesticide application recordkeeping system contains all the information required by subsection (1) of this section, and can be produced in a form and format acceptable to the department.

Although pesticide application information may be kept in a manner and in a form of the applicator's choosing, upon request, the information that is required in [WAC 16-228-1320\(1\)](#) must be provided either on a WSDA form or on a WSDA-authorized form. (An exception is noted in rule for computerized records as long as the application records can be produced in the form and format as prescribed by the department.)

The five versions of the WSDA Pesticide Application Records are available for download from the [WSDA Forms by Name webpage](#). These forms are not copyrighted, so they can be reproduced for public use, which may also entail customizing the form to incorporate business insignia or contact information.

To receive WSDA authorization, send the pesticide application form with a letter requesting such to Cliff Weed, WSDA Pesticide Management, PO Box 42560, Olympia, WA 98504-2560.

A PESTICIDE APPLICATOR IS A PERSON, NOT A THING

State of Washington
Department of Agriculture
Olympia, Washington 98504

PESTICIDE APPLICATION RECORD (Version 1)

NOTE: This form must be completed same day as the application and it must be retained for 7 years (Ref. chapter 17.21 RCW)

1. Date of Application - Year: Month: Day: Start Time:
Stop Time:

2. Name of Person for whom the pesticide was applied:

Firm Name (if applicable):

Street Address:

City: State: Zip:

3. Licensed Applicator's Name (if different from #2 above): License No.

Firm Name (if applicable):

Tel. No.: Street Address:

City: State: Zip:

One of the 18 reportable entries as required in [WAC 16-228-1320\(1\)](#) for a pesticide application record is “the licensed applicator’s full name” (Subsection [I]). A common mistake made by applicators of record is to write down the name of the company. While seemingly a matter of semantics, the pesticide application is not being undertaken by a company, but by an individual. Also, this subsection also requires that the applicator’s complete address be recorded, not just a city and zip code.

Figure 4. The pesticide application record must report the applicator's full name, not the affiliated company.

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“DO NOT ENTER” DOES NOT MEAN “NO TRESSPASSING” – IMPERILING FIELD SIGNAGE

The misuse of field posting intended to protect workers and handlers from pesticide exposure may be contributing to human exposure.

The scope and purpose of the Worker Protection Standard (WPS) appears in [40 CFR Part 170.1](#) and [WAC 16-233-005](#), specifically, “to reduce the risks of illness or injury resulting from workers’ and handlers’ occupational exposure to pesticides . . . and to reduce the accidental exposure of workers and other persons to such pesticides.” In addition to training, notice of application, personal protection equipment, and entry restriction requirements, WPS may require the field posting of a warning sign ([40 CFR Part 170.120\[c\]](#), [WAC 16-233-125\[3\]](#), and [WAC 296-307-12025\[3\]](#)).

In posting a warning sign, the above-mentioned legislation requires that the sign “be removed within three days after the end of the application and any restricted-entry interval and before agricultural-worker entry is permitted” Hence, a mandate exists to remove the warning signage, given the legislative guidelines. Unfortunately, given the misuse of the warning sign, employees are becoming desensitized to its intended purpose, even oblivious to its presence.

Clearly, to use WPS signage as a substitute “Do Not Enter” posting is a violation of the federal and WSDA Worker Protection Standards, as well as the Washington State Department of Labor and Industries Safety Standards for Agriculture.



Figure 5. WPS signage is subject to posting timeframes.

PROPOSED RULE MAKING – NOZZLES FOR AERIAL AND GROUND APPARATUS

Language in rule that dates back 20 years has remained relatively unchanged with regard to requirements for nozzle types, minimum orifice diameter, and maximum pressure for ground rigs and, for aircraft, core plate size, nozzle height of discharge, and nozzle configuration. The advent of drift reduction technology has broadened the drift management strategies beyond these equipment-specific measures. In view of that fact, WSDA has initiated the process to review language in rule relative to nozzle configurations.

The first step in starting most rule-making actions is the filing of a CR-101: Preproposal Statement of Inquiry. It is an official notice that WSDA is planning to write rules or to reopen rules, and that interested parties are invited to take part in the rule-making process. The CR-101 notice references sections in the following chapters of rule for possible revision.

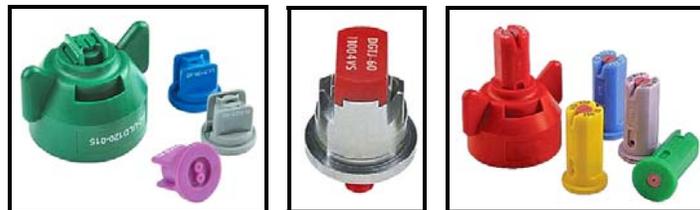
[WAC 16-230](#): Use of Chemicals and Chemically Treated Materials in Certain Counties

[WAC 16-231](#): Restricted Use Herbicides

[WAC 16-232](#): Restricted Use Herbicides in Certain Counties

WSDA uses a variety of methods to involve interested parties in the drafting process, but stakeholders are typically convened in advisory committees, ad hoc committees, or external review working groups. Draft language is oftentimes sent to people and groups for review and comment. Rule making activity can be monitored at the "[WSDA Laws and Rules Homepage](#)."

If you wish to participate in the rule drafting process, contact Cliff Weed, WSDA Pesticide Management Division, by phone at (360) 902-2036, or by email: cweed@agr.wa.gov.



KEEPING TABS ON COMMERCIAL APPLICATORS . . . CHECKING ON PESTICIDE LICENSE STATUS

Prior to contracting for a commercial pesticide application, growers and agrochemical company staff should determine the standing of the commercial applicator relative to WSDA pesticide licensing requirements. In fact, there is an obligation to do so.

With the fall soil fumigation season underway, growers and fieldmen are asking about the process to check on the license status of commercial applicators. The status of pesticide license holders can be quickly determined from information that is accessible from the WSDA Pesticide Licensing webpage. In regard to a commercial applicator, the following licensing criteria should be considered.

- ▶ Renewal of license for the current year (12/31/07).
- ▶ Financial Responsibility Insurance Certificate on file with WSDA.
- ▶ Posses the proper endorsements (i.e., Soil Fumigation; this endorsement applies both to chemigation and to shanking).

- ▶ Commercial operators listed under the “Company-employed Commercial Operators (CO)” section who will be involved in the application must be current with their license renewal and must be in possession of the appropriate endorsements, as well.

The process is easy.

1. Go to the WSDA Pesticide Licensing & Education webpage: <http://agr.wa.gov/pestfert/LicensingEd/Search/default.aspx>
2. The dialogue box “License Information” will appear. Type-in the identifying information for the pesticide license holder (Figure 6).
3. Press
4. A summary page of the pesticide license holder will then appear (Figure 7). In assessing the status of the license holder, three pieces of information are of interest.

Figure 6. Reference information on license holder.

- a. Status: This heading indicates whether the license has been renewed for the current year. If not, the (expired) notice will appear after the date in the “Expires” column.
- b. For commercial licensees, the name of their affiliated company will appear in a white text box, with the name of the company underlined. Additional information about the company can be viewed by moving the cursor over the company name, which changes to a pointing finger, and then clicking (Figure 7). This is the default page for searches that use the “A single business:” option.
- c. Categories: The endorsements held by the licensee are listed, which indicate the type of pesticide applications that can be performed.

Licensee Name:	Tim Schultz
License Number:	99999
Residence County (State):	GRANT (WA)

Licenses	Status	Expires	Recertification Cycle
• <u>Commercial Applicator</u>	<u>Renewed</u>	12/31/07	2007-2011
<div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> This licensee is the designated Commercial Applicator for the following company: <u>Schultz Farming</u> </div>			
Categories (1)			
• Soil Fumigation			

1 license.

Figure 7. Summary table of a commercial pesticide license holder.

5. Upon clicking on [Schultz Farming](#), detailed information about the company will open in another table, which is partially reproduced in Figure 8. Of significance in this table are the contact information (e.g., business and mailing addresses and fax and phone numbers) and proof of financial responsibility (see “CA Insurance Expires”).

Company Information		
Company Name:	Schultz Farming	
Company Status	Active	
UBI Number:	123456789	
DBA:	no additional DBAs	
Branches	no additional Branches	
Site Address:	226 Locust Lane Glencoe WA 98998-1234	
Mailing Address:	same as above	
Telephone:	(509) 898-1662	
Fax:	n/a	
Email	n/a	
Commercial Applicator (CA) Information		
Commercial Applicator		
Name:	Tim Schultz	
License Number:	99999	
License Status:	Renewed	
License Expires:	12/31/07	
CA Insurance Expires*		
Ground	Aerial	
08/27/2008		
* Note: On this date a completed Financial Responsibility Insurance Certificate (with original signature) must be on file with WSDA or license is invalid.		
Valid Categories* (1)		
Soil Fumigation.		
* Note: Commercial Applicators must be licensed in all categories in which the company operates.		
Company-employed Commercial Operators (CO) (1)		
Name	License #	CO License Expires
Wayne Schultz	99998	12/31/2007

Figure 8. Partial display of information on a commercial application company.

For further assistance, call toll-free the WSDA Licensing Branch at (877) 301-4555.

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